

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
*7/23/08 MJ 1925*

UNITED STATES OF AMERICA, ) Magistrate Docket No. *Q*  
Plaintiff, )  
v. )  
Carlos DELACRUZ-Jiminez, ) COMPLAINT FOR VIOLATION OF:  
Defendant ) Title 8, U.S.C., Section 1326  
                                  ) Deported Alien Found in the  
                                  ) United States  
                                  )  
                                  )

*'08 MJ 1925*

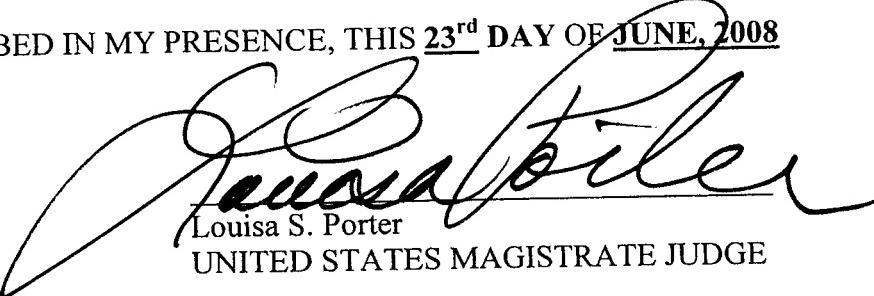
The undersigned complainant, being duly sworn, states:

On or about **June 20, 2008** within the Southern District of California, defendant, **Carlos DELACRUZ-Jiminez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
\_\_\_\_\_  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 23<sup>rd</sup> DAY OF JUNE, 2008

  
Louisa S. Porter  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Carlos DELACRUZ-Jiminez**

**PROBABLE CAUSE STATEMENT**

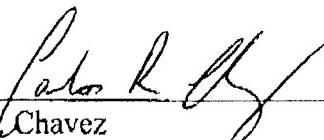
I declare under the penalty of perjury that the following statement is true and correct:

On June 20, 2008, Border Patrol Agent I. Dickey was performing his duties in the Imperial Beach area of operations. Agent Dickey was advised of a seismic sensor activation in the area known as "Rock Wall." Rock Wall is located approximately 400 yards north of the United States/Mexico International Boundary and approximately four miles west of the San Ysidro, California Port of Entry. This area is frequently used by undocumented aliens attempting to further their illegal entry into the United States.

Upon arriving in the area, Agent Dickey observed five individuals attempting to conceal themselves in the brush. Agent Dickey approached the five individuals, including one later identified as the defendant **Carlos DELACRUZ-Jiminez**, and identified himself as a Border Patrol Agent and questioned them regarding their citizenship, nationality and immigration documentation. All five individuals, including the defendant, admitted to having entered the United States without inspection, and that they were citizens and nationals of Mexico. They also stated that they were not in possession of immigration documents that would allow them to enter or remain in the United States legally. At approximately 3:15 a.m., Agent Dickey arrested all five individuals, including the defendant, and transported them to the Imperial Beach Border Patrol Station for processing.

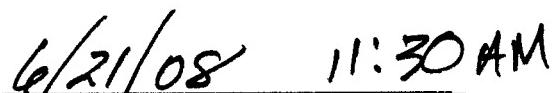
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on November 29, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on June 21, 2008 at 9:00 a.m.

  
\_\_\_\_\_  
Carlos R. Chavez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on June 20, 2008, in violation of Title 8, United States Code, Section 1326.

  
Louisa S. Porter  
United States Magistrate Judge

  
Date/Time